

Assembly Bill No. 2072

Passed the Assembly August 27, 2010

Chief Clerk of the Assembly

Passed the Senate August 24, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 124121 and 124122 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2072, Mendoza. Hearing screening: resources and services.

Existing law, the Newborn and Infant Hearing Screening, Tracking, and Intervention Act, requires every general acute care hospital with licensed perinatal services to offer every newborn a hearing screening test for the identification of hearing loss, as specified, and provide written information on the availability of community resources and services for children with hearing loss to the parents of those who are diagnosed with a hearing loss.

Existing law, the California Early Intervention Services Act, commonly known as the Early Start Program, provides various early intervention services for infants and toddlers who have disabilities to enhance their development and to minimize the potential for developmental delays.

This bill would also require that the State Department of Education develop an informational pamphlet, as specified, for newborns and infants identified as deaf or hard of hearing, that is about visual and auditory communication and language options and that would help a parent make informed decisions for his or her child. This bill would require the department to convene an advisory stakeholder panel, composed as prescribed, to develop and revise the informational pamphlet, as specified, until January 1, 2017. This bill would require that the informational pamphlet be provided to parents of all newborns and infants identified as deaf or hard of hearing by an audiologist immediately upon identification of a newborn or infant as deaf or hard of hearing, and by a local provider for the Early Start Program upon initial contact with the parents of a newborn or infant newly identified as deaf or hard of hearing. This bill would require the audiologist to note in the newborn's or infant's record that the parent has received the informational pamphlet and, during the course of evaluation and treatment, to inform and counsel the parent of all available communication options. This bill would require the

informational pamphlet to be made available in Cantonese, English, Spanish, and Vietnamese, and be made available on the department's Internet Web site, as prescribed.

This bill would provide that these provisions would be implemented only upon determination by the Director of Finance that sufficient donations have been collected and deposited into the Language and Communication for Deaf and Hard of Hearing Children Fund, which this bill would create in the State Treasury, and upon the appropriation of that fund. This bill would provide that no state funds shall be used to implement these provisions.

This bill would also state the intent of the Legislature that every newborn or infant who does not pass his or her preliminary hearing screening test receive a followup hearing screening no later than 3 months of age, and that the Legislature strongly encourages the State Department of Health Care Services to work toward this goal.

The people of the State of California do enact as follows:

SECTION 1. Section 124121 is added to the Health and Safety Code, to read:

124121. (a) The department shall develop an unbiased, comprehensive, evidence-based informational pamphlet for newborns and infants identified as deaf or hard of hearing about visual and auditory communication and language options including, but not limited to, American Sign Language (ASL), and Listening and Spoken Language, that would help a parent make informed decisions for his or her child. The pamphlet shall take into account the different values and beliefs of the parents of deaf and hard of hearing children. The pamphlet shall contain both benefits and risks of all options, convey educational attainment outcomes, and clearly convey that those options may be used simultaneously. The pamphlet shall also include information about educational programs for children provided by local educational agencies, the California Schools for the Deaf, nonpublic schools and agencies, and parent-to-parent support resources through the local family resource centers.

(b) A parent of a newborn or infant identified as deaf or hard of hearing shall be provided the informational pamphlet developed pursuant to subdivision (a). The pamphlet shall be provided:

(1) By an audiologist immediately upon identification of a newborn or infant as deaf or hard of hearing. The audiologist shall note in the newborn's or infant's record that the parent has received the informational pamphlet. During the course of evaluation and treatment, the audiologist shall inform and counsel the parent of all available communication and language options as described in the pamphlet.

(2) By a local provider for the Early Start Program, provided for pursuant to the California Early Intervention Services Act (Title 14 (commencing with Section 95000) of the Government Code) upon initial contact with the parents of a newborn or infant newly identified as deaf or hard of hearing.

(c) (1) The department shall convene an advisory stakeholder panel to contribute to the development of the informational pamphlet required pursuant to subdivision (a). The members of the panel shall receive no compensation for their services. The panel shall be composed of 15 members, as follows:

(A) An adult who is deaf or hard of hearing, and who uses auditory-oral language, appointed by the Governor.

(B) An adult who is deaf or hard of hearing, and who uses ASL, appointed by the Governor.

(C) An educator of the deaf in an auditory-oral educational setting, appointed by the Senate Committee on Rules.

(D) An educator of the deaf in an ASL education setting, appointed by the Senate Committee on Rules.

(E) A parent representative of a child who primarily uses auditory-oral communication methods, appointed by the Governor.

(F) A parent representative of a child who primarily uses ASL, appointed by the Governor.

(G) A representative of a nonprofit organization that services primarily auditory-oral learners, appointed by the Speaker of the Assembly.

(H) A representative of a nonprofit organization that services primarily ASL learners, appointed by the Speaker of the Assembly.

(I) A researcher engaged in the study of auditory-oral communication for persons who are deaf or hard of hearing, appointed by the Governor.

(J) A researcher engaged in the study of ASL and communication modalities for persons who are deaf or hard of hearing, appointed by the Governor.

(K) Two adults who are deaf or hard of hearing, and who primarily use other visual communication modalities, appointed by the Governor.

(L) An audiologist who specializes in evaluating and treating infants, appointed by the Speaker of the Assembly.

(M) A physician who specializes in pediatric otolaryngology, appointed by the Senate Committee on Rules.

(N) The Superintendent of Public Instruction, or his or her designee, who shall be an ex officio member.

(2) At least five members of the panel appointed by the Governor, one member appointed by the Senate Committee on Rules, and one member appointed by the Speaker of the Assembly, shall be deaf or hard of hearing adults.

(3) (A) All members of the panel shall be appointed no later than January 1, 2012. An appointee to the panel shall not serve for more than five years.

(B) A member of the panel shall not have a financial relationship or a conflict of interest with any entity that has contributed funding pursuant to subdivision (f).

(3) (A) Subject to subdivision (f), the panel shall commence operations on January 1, 2012. The panel shall provide recommendations to be included in the pamphlet developed pursuant to subdivision (a) six months after the panel commences operations. The panel shall hold meetings at the department's headquarters and the number of meetings shall not exceed six in this six-month period.

(B) Every two years thereafter, the department shall review the pamphlet and shall revise the information, if the department determines that new or revised information is necessary. At the request of the department, the panel may be asked to reconvene to review updates and changes to the pamphlet. The panel shall then have three months to review and provide additional recommendations to the department. The panel shall hold meetings at the department's headquarters and the number of meetings shall not exceed three in this three-month period.

(4) The department and the panel shall consider written input and information submitted by members of the general public in the creation of the pamphlet.

(d) The panel shall remain in existence until January 1, 2017.

(e) The pamphlet developed pursuant to subdivision (a) shall be made available in Cantonese, English, Spanish, and Vietnamese. The pamphlet developed pursuant to subdivision (a) shall be made available on the department's Internet Web site. The department shall make available on its Internet Web site a video where the text of the pamphlet developed pursuant to subdivision (a) is presented in ASL with captioning in written English.

(f) (1) There is hereby created the Language and Communication for Deaf and Hard of Hearing Children Fund in the State Treasury. The fund shall contain donations that have been collected and deposited for the purposes of this section, as well as any federal funds made available for purposes of this section. Notwithstanding Section 16305.7 of the Government Code, the fund shall also contain any interest and dividends earned on moneys in the fund. No entity or individual may contribute moneys to this fund that has a commercial interest related to communication options, or products for the deaf or hard of hearing. A donor shall disclose any commercial interests at the time the donor's donation is remitted to the State Treasury. Nothing in this subdivision shall be construed to preclude a tax-exempt nonprofit organization, qualified under Section 501 (c) (3) of the Internal Revenue Code from donating to this fund. No state funds shall be used to implement this section.

(2) Subject to paragraph (3), moneys in the Language and Communication for Deaf and Hard of Hearing Children Fund shall be available, upon appropriation by the Legislature, for the implementation of this section.

(3) No moneys shall be expended from the fund until the Director of Finance determines that sufficient money is in the fund to implement this section. If sufficient money is in the fund, the Director of Finance shall file a written notice thereof with the Secretary of State. Subdivisions (a) to (e), inclusive, shall not be implemented until moneys in the fund are appropriated for purposes of this section.

(g) Notwithstanding subdivision (c) of Section 124116, as used in this section, "department" means the State Department of Education.

SEC. 2. Section 124122 is added to the Health and Safety Code, to read:

124122. It is the intent of the Legislature that every newborn and infant who does not pass his or her preliminary hearing screening test receive a followup hearing screening no later than three months of age. The Legislature strongly encourages the department to work toward this goal.

Approved _____, 2010

Governor